

SECOND REGULAR SESSION

# HOUSE BILL NO. 1643

## 91ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES HOLAND AND BARRY (Co-sponsors).

Read 1<sup>st</sup> time January 24, 2002, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

4245L.011

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### AN ACT

To amend chapter 334, RSMo, by adding thereto one new section relating to medical records.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapter 334, RSMo, is amended by adding thereto one new section, to be  
2 known as section 334.097, to read as follows:

**334.097. 1. Physicians shall maintain an adequate, complete, and legible written  
2 patient record for each patient and may maintain electronic records provided the record  
3 keeping format is capable of being printed for review by the state board of registration for  
4 the healing arts. An adequate and complete patient record shall include documentation  
5 of the following information:**

6       **(1) Identification of the patient, including name, birthdate, address, and telephone  
7 number;**

8       **(2) The date or dates the patient was seen;**

9       **(3) The current status of the patient, including the reason for the visit;**

10       **(4) Observation of pertinent physical findings;**

11       **(5) Assessment and clinical impression of diagnosis;**

12       **(6) Plan for care and treatment, or additional consultations or diagnostic testing,  
13 if necessary. If treatment includes medication, the physician shall include in the patient  
14 record the medication and dosage of any medication prescribed, dispensed or  
15 administered; and**

16       **(7) Any informed consent for office procedures.**

17       **2. Patient records remaining under the care, custody, and control of the licensee  
18 shall be maintained by the licensee of the board, or the licensee's designee, for a minimum  
19 of seven years from the date of when the last professional service was provided.**

20           **3. Any correction, addition, or change in any patient record made more than forty-**  
21 **eight hours after the final entry is entered in the record and signed by the physician shall**  
22 **be clearly marked and identified as such, and the date, time, and name of the person**  
23 **making the correction, addition, or change shall be included, as well as the reason for the**  
24 **correction, addition, or change.**

25           **4. A consultative report shall be considered an adequate medical record for a**  
26 **radiologist, pathologist, or a consulting physician.**

27           **5. The board shall not initiate disciplinary action pursuant to subsection 2 of**  
28 **section 334.100 against a licensee solely based on a violation of this section. If the board**  
29 **initiates disciplinary action against the licensee for any reason other than a violation of this**  
30 **section, the board may allege violation of this section as an additional cause for discipline**  
31 **pursuant to subdivision (6) of subsection 2 of section 334.100.**

32           **6. The board shall not obtain a patient medical record without written**  
33 **authorization from the patient to obtain the medical record or the issuance of a subpoena**  
34 **for the patient medical record.**